

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

5:11-CR-0602
(GTS)

JOSEPH VINCENT JENKINS,

Defendant.

APPEARANCES:

HON. RICHARD S. HARTUNIAN
United States Attorney for the N.D.N.Y.
Counsel for the Government
100 South Clinton Street
Syracuse, NY 13261-7198

JOSEPH VINCENT JENKINS
Defendant, Pro Se
Cayuga County Jail
7445 County House Road
Auburn, NY 13021

GLENN T. SUDDABY, United States District Judge

OF COUNSEL:

TAMARA THOMSON, ESQ.
GWENDOLYN CARROLL, ESQ.
GEOFFREY J.L. BROWN, ESQ.
Assistant United States Attorneys

Currently before the Court in the above-captioned criminal proceeding, charging Joseph Jenkins (“Defendant”) with possessing and transporting child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2251A(a)(1), are the following three pre-trial motions: (1) Defendant’s third motion to dismiss the Indictment and suppress foreign evidence (Dkt. Nos. 86, 90); (2) Defendant’s motion for the return of seized items (Dkt. No. 93); and (3) Defendant’s motion for an independent review of the current case (Dkt. No. 92). For the reasons set forth below, all three motions are denied.

Defendant's third motion to dismiss the Indictment and suppress foreign evidence (Dkt. Nos. 86, 90) is denied on each of two alternative grounds. First, that motion is untimely, for the reasons specified in the Court's Text Order of June 27, 2013.¹ Second, that motion is unsupported by a showing of cause, for the reasons articulated in the Government's opposition papers. (Dkt. No. 94, at 3-13 & Attach. 1.)

Defendant's motion for the return of seized items (Dkt. No. 93) is denied as unsupported by a showing of cause, for the reasons articulated in the Government's opposition papers. (Dkt. No. 94, at 13-17 & Attach. 2.)

Finally, Defendant's motion for an independent review of the current case is based on the following two grounds: (1) the prosecutorial misconduct to which he has been subjected (e.g., through the wrongful interference in and mischaracterization of a Canadian criminal proceeding, the illegal acquisition of foreign evidence and use of it to institute these proceedings, the false claim of jurisdiction over Defendant, the failure to disclose discovery in a timely matter, the purposeful concealment of paperwork from computer forensic examinations, and the manufacturing of false computer examinations, etc.); and (2) the judicial misconduct to which he has been subjected (e.g., through the turning of a blind eye to the prosecutorial misconduct in this action, the exhibition of bias, the abuse of discretion, the deprivation of proper discovery, the denial of the right to a fair trial, and a conspiracy with the prosecution to ignore or purposely misconstrue defense requests, etc.). (Dkt. No. 92.) Underpinning both of these grounds is a reassertion of the arguments that Defendant asserted in his third motion to dismiss the Indictment

¹ Because this Decision and Order is intended primarily for the review of the parties, the Court will assume the reader's familiarity with the procedural history of this action.

and suppress foreign evidence, and his motion for the return of seized items (as well as several other motions previously made, and denied, by the Court). As a result, that motion is denied as unsupported by a showing of cause, for the reasons articulated in the Government's opposition papers (Dkt. No. 94 & Attach. 1-2), as well as the Court's previous Decisions and Orders.

Defendant is advised that, just as the deadline has closed on the filing of motions to dismiss and motions to suppress (*see* Text Order filed June 27, 2013), the deadline has now closed on motions for the return of seized items, motions for an independent review of the current case, motions for recusal, motions for a third-party review of his legal file, motions for release, motions to reopen the pretrial detention proceeding, motions to compel the discovery of items requested and denied in prior motions, and motions for grand jury investigations. No such further motions will be permitted.

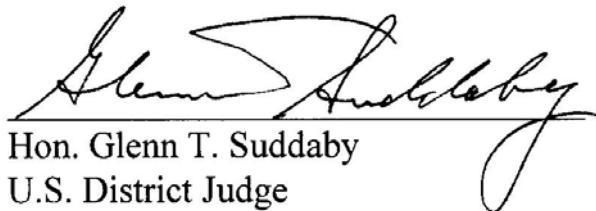
ACCORDINGLY, it is

ORDERED that Defendant's third motion to dismiss the Indictment and suppress foreign evidence (Dkt. Nos. 86, 90) is **DENIED**; and it is further

ORDERED that Defendant's motion for the return of seized items (Dkt. No. 93) is **DENIED**; and it is further

ORDERED that Defendant's motion for an independent review of the current case (Dkt. No. 92) is **DENIED**.

Dated: August 7, 2013
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge